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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,862	07/26/2001	David A. Eatough	884.495US1	7695

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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 03/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/915,862

Applicant(s)

EATOUGH ET AL.

Examiner

Kenneth A Gross

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-17,19-25,27-31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-17, 19-25, 27-31, and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is in response to the amendment filed on January 14<sup>th</sup>, 2004.
2. Claims 1, 3-17, 19-25, 27-31, and 33-37 are now rejected under 35 USC 103(a). Claims 2, 18, 26, and 32 are hereby cancelled.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 3, 7-17, 20-24, 31, and 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977).

In regard to Claim 1, Shipley teaches: (a) detecting the use of software code (Column 6, lines 23-24 and lines 32-33); (b) identifying the selected application program that is using the software code. Shipley teaches that the DLL is associated with an application program (Abstract), and hence the application program is inherently known to the DLL as the application program that relies on the specified DLL; (c) confirming a conflict between the selected application program and the software code (Column 7, lines 12-17). Shipley teaches configuring a table, which associates an application to at least one designated software code (Abstract), wherein, the corresponding software code is not the software code used by the selected application program (Column 7, lines 10-13). Shipley does not teach that the table has a plurality

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of applications. Sakata, however, does teach a table (Figure 10), which associates application programs (Figure 10, item 102) with software code (Figure 10, item 103), that it uses. Although Sakata only teaches a "File Name" entry, this file name is obviously representative of a file that contains executable software code, and thus by being associated with this file name, the application program corresponds to the software code associated with the file name. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to detect the use of software code, identify the selected application program that is using the software code, confirm a conflict between the selected application program and the software code, and configure a table, which associates an application to at least one designated software code, wherein, the corresponding software code is not the software code used by the selected application program, as taught by Shipley, where the table contains multiple applications associated with software codes, as taught by Sakata, since this allows multiple applications to lookup known software codes.

In regard to Claims 17 and 31, these are system and medium versions of Claim 1 above, wherein all claimed limitations also have been addressed and/or covered under cited areas as noted above. Shipley teaches a system and medium for the above method in Figure 6. Thus, the same rationale provided in the rejection of Claim 1 above is also applied and incorporated herein.

For logic behind the rejections of the limitations of Claims 9, 10, 15, 22, 23, and 36, see the office action mailed on September 26<sup>th</sup>, 2003.

For specific rejections of Claims 3, 7, 8, 11-14, 16, 20, 21, 24, 34, 35, and 37, see the office action mailed on September 26<sup>th</sup>, 2003.

5. Claims 4, 19, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Rupp et al. (U.S. Patent Number 5,339,431).

For specific rejections of Claims 4, 19, and 33, see the office action mailed on September 26<sup>th</sup>, 2003.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Larsson et al. (U.S. Patent Number 6,226,747).

For specific rejections of Claims 5, see the office action mailed on September 26<sup>th</sup>, 2003.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Strellis et al. (U.S. Patent Number 6,304,882).

For specific rejections of Claims 6, see the office action mailed on September 26<sup>th</sup>, 2003.

8. Claims 25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Yinger et al. (U.S. Patent Number 5,960,204).

In regard to Claim 25, Shipley teaches: (a) detecting the use of software code (Column 6, lines 23-24 and lines 32-33); (b) identifying the selected application program that is using the software code. Shipley teaches that the DLL is associated with an application program (Abstract), and hence the application program is inherently known to the DLL as the application program that relies on the specified DLL; (c) confirming a conflict between the selected application program and the software code (Column 7, lines 12-17). Shipley teaches configuring

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a table, which associates an application to at least one designated software code (Abstract), wherein, the corresponding software code is not the software code used by the selected application program (Column 7, lines 10-13). Shipley does not teach that the table has a plurality of applications. Sakata, however, does teach a table (Figure 10), which associates application programs (Figure 10, item 102) with software code (Figure 10, item 103), that it uses. Neither Shipley nor Sakata teach a server comprising a machine accessible medium having instructions for performing the method of detecting, identifying, and confirming, nor do they teach a client coupled to the server, wherein execution of the selected application program is initiated by the client. Yinger, however, does teach a client who initiates the execution of an application (Abstract) and a server that contains DLL code files requested by the client during execution (Figure 4, item 430). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to detect the use of software code, identify the selected application program that is using the software code, confirm a conflict between the selected application program and the software code, and configure a table, which associates an application to at least one designated software code, wherein, the corresponding software code is not the software code used by the selected application program, as taught by Shipley, where the table contains multiple applications associated with software codes, as taught by Sakata, since this allows multiple applications to lookup known software codes, where the above method is carried out by instructions on a server, and a client is coupled to the server and initiates a selected application program, as taught by Yinger, since a network environment allows the libraries to be shared by multiple clients.

For the logic behind the rejection of the limitations of Claims 28-30, see the office action mailed on September 26<sup>th</sup>, 2003.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shipley (U.S. Patent Number 5,634,114) in view of Sakata (U.S. Patent Number 6,377,977) and further in view of Yinger et al. (U.S. Patent Number 5,960,204) and Rupp et al. (U.S. Patent Number 5,339,431).

For the logic behind the rejection of the limitations of Claim 27, see the office action mailed on September 26<sup>th</sup>, 2003.

### ***Response to Arguments***

10. Applicant's arguments filed January 14<sup>th</sup>, 2004 have been fully considered but they are not persuasive.

Specifically, the applicant states that the entry fields of the management table in Sakata relate only to a single file, which is the application program, and that no field in Sakata associates the application program with software code (Page 14, lines 8-21). However, Sakata does teach a "File Name" entry. This file name is obviously representative of a file that contains executable software code, and thus by being associated with this file name, the application program corresponds to the software code associated with the file name.

### ***Conclusion***

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11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**